


TO: Chief Administrator 
Independent Police Review Authority

FROM: Inv. Johnna Richmond, #114

SUBJECT: LOG #1059194, U#12-50

REFERENCE: RD# HV-616682 (Aggravated Assault to an Officer/Handgun)

DATE/TIME: 26 December 12 at approximately 0226 hours

LOCATION: Rear and gangway of [REDACTED] South Wolcott Avenue, Chicago, IL

INVOLVED OFFICER: PALERMO, Angelina; Chicago Police Officer; Star #13482; white female; DOB: [REDACTED] DOA: 25 October 2004; Emp. # [REDACTED]; Unit 007; On-duty, in uniform; Beat 714R

INVOLVED OFFICER'S WEAPON: Glock Model 17, 9mm semi-automatic pistol; black finish, Serial #PKW704; City Registration #R016739S; FOID # [REDACTED] Police Department issued (Winchester) 9mm Luger ammunition; total of 11 live cartridges recovered. Five casings, one bullet and one bullet fragment recovered. See Crime Scene Processing Report #215264

INVOLVED OFFICER'S INJURIES: None reported

WITNESS OFFICER #1: SERRANO, JR., Salvador; Chicago Police Officer; Star #12766; Unit 007; Hispanic male; Emp. # [REDACTED]; DOB: [REDACTED]; DOA: 30 July 2007; On-duty, in uniform; Beat 714R. See recorded interview.

WITNESS OFFICER #2: BERRY, Sean; Chicago Police Officer; Star #9330; Unit 007, male white; Emp. # [REDACTED]; DOB: [REDACTED]; DOA: 27 August 2007; on duty, plain clothes; Beat 706BR. See recorded interview.

WITNESS OFFICER #3: MELLETT, Matthew; Chicago Police Officer; Star #8179; Unit 007; male white; Emp. # [REDACTED]; DOB: [REDACTED] DOA: 05

December 2005; on duty, plain clothes; Beat 706BR. See recorded interview.

SUBJECT: [REDACTED] black male; DOB: [REDACTED]; IR#1849723;
[REDACTED] South Wolcott Avenue, Chicago, IL 60636; Beat 726

**SUBJECT'S
INJURIES:** Gunshot wounds to right hip, left buttocks. Stable condition

**SUBJECT'S
WEAPON:** Taurus, Model PT-140PRO, .40-cal. Semi-automatic pistol, 3-inch barrel, chrome finish, serial #SDP-17780; eight live cartridges recovered.

SUMMARY OF INCIDENT:

On 26 December 2012, at approximately 0230 hours, a verbal altercation broke out between three residents of [REDACTED] South Wolcott Avenue in Chicago, IL 60636. [REDACTED] and his stepson, [REDACTED] began verbally arguing. They then proceeded to physically fight one another. The third resident, [REDACTED] is [REDACTED] mother. After [REDACTED] and another female in the residence saw Mr. [REDACTED] with a gun, two 911 calls were made. Officers Mellett, Berry, Palermo and Serrano, Jr. were called to respond to a domestic related, person-with-a-gun call at this location. When the officers arrived, Officer Mellett and Officer Berry went to the front door. Ms. [REDACTED] signaled them toward the house while Officers Palermo and Serrano, Jr. remained outdoors. Officer Palermo and Officer Serrano, Jr. were outside behind a chain link fence in the backyard of the residence, in a vacant lot north of the residence. The fence was approximately 4-5 feet tall.

After some shouting was heard from inside the house, Mr. [REDACTED] was seen walking outside onto the backyard porch. After he hurried down the stairs, he squeezed through an opening in the fence. Mr. [REDACTED] saw Officers Palermo and Serrano, Jr. and, as a result, Mr. [REDACTED] pointed his gun in their direction. In fearing for her life, and that of Officer Serrano, Jr.'s life, Officer Palermo pulled out her gun and fired approximately five times at Mr. [REDACTED]. As Mr. [REDACTED] was running southbound through the backyards, Officer Palermo followed him onto Wolcott Street. As Mr. [REDACTED] turned east into a gangway south of [REDACTED] South Wolcott, Officer Palermo turned west into the same gangway. Mr. [REDACTED] pointed his gun at Officer Palermo again, and Officer Palermo discharged her weapon three more times at Mr. [REDACTED]. He surrendered and threw his handgun into the overhead gutter of [REDACTED] South Wolcott. Officers Mellett and Berry placed Mr. [REDACTED] into custody and requested an ambulance. CFD ambulance #58 transported Mr. [REDACTED] to Christ Hospital. Mr. [REDACTED] was in stable condition with through-and-through wounds in the right hip and left buttock.

INVESTIGATION:

In a statement with IPRA, Officer Angelica Palermo, #13482 related that, on 26 December 2012, at approximately 0226 hours, she and Officer Serrano, Jr. responded to domestic related call a person with a gun at [REDACTED] South Wolcott Avenue. She stated that both she and Officer Serrano, Jr. were in uniform, assigned to beat 714 Robert, and drove a marked car. After arriving at the residence, she saw a woman wave at Officers Berry and Mellett. Officers Palermo and Serrano Jr. remained outside while Officers Berry and Mellett went inside the house. She stated she heard arguing toward the back of the residence and heard a female shout, "Get that gun outta the house!" Officer Palermo and Officer Serrano, Jr. walked toward the vacant lot north of the residence with Officer Serrano Jr. and observed a male, now known as [REDACTED] run out the back door. Officer Palermo shouted, "Stop! Police!" She saw him run down the stairs, squeeze through an opening in the fence, and point a gun toward her. In fear of her life, Officer Palermo pulled out her gun and discharged her weapon at Mr. [REDACTED]. She then saw him running through the backyard of [REDACTED] South Wolcott. Officer Palermo ran southbound on Wolcott to pursue him. She turned west of the gangway, south of [REDACTED] South Wolcott. Officer Palermo saw Mr. [REDACTED] point his gun toward her again and she discharged her weapon again at him again. Officer Palermo fired 4-5 more shots at Mr. [REDACTED] and shot him in the buttocks. (Att. 46, 47)

In a statement with IPRA, Witness Officer Salavador Serrano, Jr. stated he was with Officer Palermo when there was a domestic call of a person with a gun. In his statement Officer Serrano, Jr. related essentially the same facts as Officer Palermo's. Officer Serrano, Jr. added that, as Mr. [REDACTED] pointed his gun towards him and Officer Palermo, Officer Serrano, Jr. ran for cover beside the house, away from the fence. Officer Serrano Jr. saw Officer Palermo pull out her weapon and open fire toward Mr. [REDACTED]. Officer Serrano, Jr. saw Mr. [REDACTED] run toward the gangway south of [REDACTED] South Wolcott, and then momentarily lost sight of both Mr. [REDACTED] and Officer Palermo. He heard a second set of shots being fired and ran to the gangway south of [REDACTED] South Wolcott. Officer Serrano, Jr. saw Mr. [REDACTED] lying on the ground and Officers Berry and Mellett taking Mr. [REDACTED] into custody. (Att. 50, 53)

In a statement with IPRA, subject [REDACTED] related that on 26 December 2012, at approximately 0100 hours, he got into an argument with his stepfather, [REDACTED]. As they were arguing, Mr. [REDACTED] pulled out his phone to make a phone call. [REDACTED] assumed [REDACTED] was trying to call more people into the house to fight Mr. [REDACTED]. A police officer, in plain clothes, walked up to the residence and entered the house. Mr. [REDACTED] fearing the officer was a person Mr. [REDACTED] called, went to the kitchen. Mr. [REDACTED] stepped out of the back door, and onto the backyard porch, when he overheard a police officer's radio. Mr. [REDACTED] stated he ran to the backyard and then hopped over the fence between his residence and [REDACTED] South Wolcott Avenue. Mr. [REDACTED] stated that, as soon he stepped into the backyard of [REDACTED] South Wolcott Avenue, one of the officers in the vacant lot next to his house began firing towards him. Mr. [REDACTED] continued to run away and then turned east, to the gangway south of [REDACTED] South Wolcott. Mr. [REDACTED] was at the gangway when he was shot by a female officer. After being shot,

Mr. [REDACTED] fell on the ground, and an officer subsequently carried him to an ambulance. When asked about the gun found in an overhead gutter, Mr. [REDACTED] denied having a gun on him at any time. Mr. [REDACTED] denied ownership of the gun. (Att. 84, 87)

In a statement with IPRA, Witness Officer Sean Berry #9330 related that on 26 December 2012, at approximately 0226 hours, he was on-duty and working with Officer Mellett. Both officers were in plain clothes working in an unmarked tactical vehicle. They were dispatched to [REDACTED] South Wolcott Avenue responding to a call of a person with a gun. When they arrived at the location, Officer Berry saw a female at the door of [REDACTED] South Wolcott waving towards them. Officers Berry and Mellett walked up to the door, and the female pointed to the back of the residence. As the officers walked toward the back of the residence, they heard noises and another female screaming from the kitchen. As Officer Berry approached the kitchen, he saw Mr. [REDACTED] concealing something underneath his shirt with his right hand. Mr. [REDACTED] saw Officer Berry and ran out the back door. Officer Berry ran after him. As Officer Berry was about to step out the back door, he heard gunfire outside coming from the north side of the residence. Officer Berry saw Officer Palermo firing at Mr. [REDACTED] from the vacant lot. After Officer Palermo fired about 4-5 shots, Officer Berry saw Mr. [REDACTED] run underneath a fence, into the backyard of [REDACTED] South Wolcott and then into the gangway south of [REDACTED] South Wolcott. Officer Berry and Officer Mellett pursued Mr. [REDACTED] on foot. Officer Berry and Officer Mellett were in the backyard of [REDACTED] South Wolcott Avenue when they heard a second set of shots fired. Officer Mellett had his flashlight on and proceeded to the gangway. Mr. [REDACTED] was on the ground, and both officers commanded him to put his hands up. After handcuffing Mr. [REDACTED] the officers called for an ambulance after they saw blood on the ground underneath him. (Att. 48, 49)

In a statement with IPRA, Witness Officer Matthew Mellett #8179 related that on 26 December 2012, he was patrolling with Officer Berry. Officer Mellett gave essentially the same account of the incident as Officer Berry's. (Att. 50, 51)

In a statement with IPRA, Witness [REDACTED] related that on the night of the incident, he was visiting his girlfriend, [REDACTED] Ms. [REDACTED] son, [REDACTED] and his girlfriend, [REDACTED] were also present at the residence. Mr. [REDACTED] did not like the way Mr. [REDACTED] spoke to Ms. [REDACTED] and an argument began between them. Mr. [REDACTED] pulled out a handgun and threatened to shoot Mr. [REDACTED]. Mr. [REDACTED] walked away to call for police assistance. When the police arrived, he waved his hand for the police to come inside. As Mr. [REDACTED] walked back to the living room, a physical altercation broke out between him and Mr. [REDACTED]. Mr. [REDACTED] got Mr. [REDACTED] to the ground and punched him. As the police entered the house, Mr. [REDACTED] ran out through the back door. Mr. [REDACTED] then heard approximately 10-14 gunshots in rapid succession coming from the backyard. (Att. 21, 42)

In a statement with IPRA, Witness [REDACTED] related that on the night of the incident, he was at [REDACTED] South Wolcott Avenue. Mr. [REDACTED] was in his bedroom when he overheard [REDACTED] and [REDACTED] arguing. Mr. [REDACTED] heard Mr. [REDACTED] say, "You're going to pull out a gun on me." Mr. [REDACTED] then

observed "[REDACTED] walk past his bedroom carrying a handgun. Mr. [REDACTED] called the police. Moments later, when the police arrived, Mr. [REDACTED] heard 2-3 gunshots in rapid succession, coming from the backyard. Mr. [REDACTED] heard Mr. [REDACTED] mother say, "I hope you didn't kill my son!" Mr. [REDACTED] could not provide any additional information. (Att. 17, 19)

In a statement with IPRA, Witness [REDACTED] related that on the night of the incident, she visited her boyfriend, Darrell "[REDACTED] Mr. [REDACTED] was arguing with his stepdad, [REDACTED] and mother, [REDACTED] over a cell phone. Mr. [REDACTED] charged at Mr. [REDACTED] and knocked him down to the ground. Mr. [REDACTED] in return pulled out a gun from his waistband. The police entered the house and Mr. [REDACTED] ran out the back door. The officers ran after him and Ms. [REDACTED] heard six gunshots in rapid succession. (Att. 29, 31)

In a statement with IPRA, Witness [REDACTED] related that on the night of the incident, she was at home with her boyfriend, [REDACTED] her son, [REDACTED] and his girlfriend, [REDACTED]. An argument over a cell phone started, followed by a physical altercation. Ms. [REDACTED] related that after the police entered her home, Mr. [REDACTED] ran out the back door and the officers followed. Ms. [REDACTED] heard approximately 3-4 gunshots in rapid succession. She did not hear any shouting from the backyard and never saw Mr. [REDACTED] with a gun. (Att. 25, 75)

The Arrest Report indicates that the involved officers responded to a call of a person with a gun. Upon arrival, Mr. [REDACTED] fled through the rear of the residence and pointed a semi-automatic handgun at Officers Palermo and Serrano Jr. Officer Palermo, in fear for her and her partner's life, fired her weapon at [REDACTED] Officer Palermo, fearing for her safety and knowing Mr. [REDACTED] to be armed with a semi-automatic pistol, discharged her weapon a second time. Mr. [REDACTED] was placed into custody and a weapon was recovered. Prior to police arrival, [REDACTED] threatened to shoot [REDACTED]. [REDACTED] was transported to Christ Hospital for treatment. (Att. 7)

The Original Case Incident, Supplementary, Battery and Tactical Response Reports reported that Mr. [REDACTED] pointed the recovered weapon at the officers. The reports related that CFD gave first aid to Mr. [REDACTED] and CFD ambulance #58 transported him to Christ Memorial Hospital. The reports also listed [REDACTED] as the possessor/user of the firearm recovered from the scene. (Att. 9, 10, 11, 12, 13, 14)

The Chicago Fire Department Incident #123610166 document that [REDACTED] was a gunshot victim found lying on his stomach at [REDACTED] South Avenue. He had two gunshot wounds, both to the buttocks, with no exit wound. He was transported to Christ Hospital. (Att. 34)

The CPD Property Inventory Report and Crime Scene Processing Report lists all the evidence recovered from the scene, which includes a cell phone, fired bullets, expended shells, blood swabs, and the recovered firearm used by the subject. (Att. 35, 40)

The CPD Event Query indicates that a caller at 6300 South Wolcott related that her uncle pistol-whipped her. The caller identified herself as "Sparkle." The involved officers reported to dispatch that shots were fired. Mr. [REDACTED] was placed in custody and the officers requested EMS. (Att. 37)

According to the 911 calls received, a female at [REDACTED] South Wolcott called for help. The female, who identified herself as [REDACTED] told the dispatcher that her uncle pistol whipped her with a gun. Ms. Sparkle told the dispatcher to send officers to 63rd and Wolcott. Another 911 call showed a male from [REDACTED] South Wolcott calling for police assistance. The male, who identified himself as [REDACTED] told the dispatcher that his stepson pulled a gun on him. Two other 911 calls showed nearby neighbors of [REDACTED] South Wolcott informing dispatch that they heard about 8-10 gun shots. (Att. 56)

In the dispatch calls, the dispatch told 726 Robert (Officer Joseph Peary and Officer Matthew Lucki), Crime Scene Protection Officers, to look into a battery call from [REDACTED] and a call of a person with a gun. An officer told dispatch that shots were fired, and that an offender was wounded. An officer asked dispatch to send an ambulance for the wounded offender and told dispatch that shots were fired by the police. An officer told dispatch that no officers were hurt. Dispatch announced that the suspect was in custody. (Att. 57)

A sketch shows the layout of the residence, the locations where the evidence was found, and the paths of Officer Palermo and the subject during the incident. (Att. 5)

Photographs taken at [REDACTED] South Wolcott show bullet casings at the vacant lot north of the residence, in the backyard of the residence, and in front of [REDACTED] South Wolcott Avenue. The photographs also show blood on the ground where the offender was shot, and a black handgun in an overhead gutter of [REDACTED] South Wolcott. (Att. 41)

In the video footage taken of the crime scene at approximately 0419 hours, there are bullet casings in the vacant lot north of [REDACTED] South Wolcott and in front of [REDACTED] South Wolcott. The video footage captured two bullet holes on the side of [REDACTED] South Wolcott and a gun in an overhead gutter of [REDACTED] South Wolcott. The tape shows artificial lighting from the alleys only. The tape shows a couple of blood spots where the offender was shot. (Att. 54)

A canvass was conducted in the area of the incident on 26 December 2012, at approximately 0226 hours, and was met with negative results. (Att. 32)

The Medical Records for [REDACTED] from Christ Hospital documented that [REDACTED] was admitted and treated for two gunshot wounds to the buttocks. (Att. 78)

CONCLUSION AND FINDING:

This investigation found that Officer Palermo's use of deadly force was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm *only* when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or:
 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer Palermo's actions were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer Palermo's reactions were solely based on the actions of [REDACTED]. While Mr. [REDACTED] attempted to evade arrest, Mr. [REDACTED] pointed his handgun toward Officer Palermo and Officer Serrano Jr. Officer Palermo was reasonably in fear for her life and the life of her fellow officers. All witnesses and officers present at the incident confirmed the details as stated above. Therefore, based on the totality of circumstances surrounding the incident, Officer Palermo's actions were within Department guidelines.

[REDACTED]
Investigator Johnna Richmond, #114

APPROVED:

[REDACTED]

IPRA Supervisor